# Exhibit R

Index No.: 118596/03

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
χ
GEORGE SANTOLL and STACEY SANTOLL

Plaintiffs,

-against-

475 NINTH AVENUE ASSOCIATES, LLC, VJB CONSTRUCTION 475 9TH AVENUE LLC, VJB CONSTRUCTION CORP., SPIELER & RICCA ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT CORPORATION.

Defendants. 475 NINTH AVENUE ASSOCIATES, LLC,

Second Third-Party Plaintiff,

2nd TP Index No.: 590528/05

-against-

R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP, UTICA NATIONAL INSURANCE GROUP, SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

NOTICE OF CONSENT TO CHANGE ATTORNEY **RE: SECOND THIRD-PARTY ACTION ONLY** 

Second Third-Party Defendants. MADAM/SIRS:

**PLEASE TAKE NOTICE** that the attached is a true and accurate copy of a consent to change attorney, which is being filed with respect to the above-entitled second

third-party action.

Dated: New York, New York

December 26, 2007

Yours, etc.,

JAFFE & ASHER LLP

Marshall T. Potashner, Esq.

Attorneys for Second Third-Party Plaintiff 475 NINTH AVENUE ASSOCIATES, LLC 600 Third Avenue, 9<sup>TH</sup> Floor New York, New York 10016 (212) 687-3000

DEVEREAUX AND WEIDENBAUM, PC. TO: As successor to Devereaux Weidenbaum, LLP Attorneys for Defendant V1B CONSTRUCTION CORP. and Attorneys for Defendant/Third-Party Plaintiff 475 NINTH AVENUE ASSOCIATES, LLC 39 Broadway, Suite 910 New York, New York 10016 (212) 785-5959

> HACH & ROSE, LLP Attorneys for Plaintiffs GEORGE SANTOLI and STACEY SANTOLI 185 Madison Avenue, 8th Floor New York, New York 10016 (212) 779-0057

O'CONNOR O'CONNOR HINTZ & DEVENEY, LLP Attorneys for Defendant SPIELER & RICCA ELECTRICAL CO. INC. One Huntington Quadrangle, Suite 1C07 Melville, New York 11741 (631) 777-2330

FUREY, KERLEY, WALSH, MATERA & CINQUEMANI, P.C. Attorneys for Third-Party Defendants
TRAVELER'S FRANKLIN INSURANCE COMPANY;
UTICA NATIONAL INSURANCE COMPANY OF TEXAS;
UTICA NATIONAL INSURANCE GROUP;
UTICA MUTUAL INSURANCE COMPANY
2174 Jackson Avenue
Seaford, New York 11783
(516) 409-6200

RUTHERFORD & CHRISTIE LLP Attorneys for Third-Party Defendants R&J CONSTRUCTION CORP. 300 E 42nd Street New York, New York 10017 (212) 599-5799

LAZARE POTTER GIACOVAS & KRANJAC LLP
Attorneys for Third-Party Defendants
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
950 Third Avenue
New York, New York 10022
(212) 758-9300

KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP Attorneys for Third-Party Defendant SCOTTSDALE INSURANCE COMPANY 69 East Jericho Turnpike
Mineola, New York 11501
(516) 742-3470

590578/03

SUPREME COURT	OF THE	STATE	OF NEW	YORK
COUNTY OF NEW	YORK		1 • 1 • 1 • 1	- 0141

475 NINTH AVENUE ASSOCIATES, LLC,

plaintiff,

CONSENT TO CHANGE ATTORNEY

-against-

R&J CONSTRUCTION CORP.; SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN INSURANCE COMPANY; UTICA NATIONAL INSURANCE GROUP; UTICA NATIONAL INSURANCE GROUP; SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA; ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

defendants.

475 NINTH AVENUE ASSOCIATES, LLC. hereby consents to the change of attorney and substitution of counsel in their behalf as of the date of this consent from the attorneys DEVEREAUX WEIDENBAUM, PC to the attorneys JAFFE & ASHER LLP.

Dated: November 26, 2007 New York, New York

475 NINTH AVENUE ASSOCIATES, LLC, by Stephen N. Benjamin, Vice-President

Sworn to before me this day of December, 2007 DEVEREAUX WEIDENBAUM, PC

39 Broadway, Suite 910 New York, New York 10006

Michael J. Devercaux, Esq.

(212) 785-5959 (T)

(212) 785-4487 (F)

Outgoing Attorneys

Notary Public

Marianne Dimino Notary Public - State of New York No 01DI4849869 Qualified in Queens County My Comm. Expires January 6, 2010

S	TATE OF	NEW YORK, COUNTY OF	ss:					
I		signed, am an attorney admitted to practice in certify that the annexed	n the courts of New York, and  and found to be a true and complete copy thereof.					
9 Box	Certification							
plicab	П	ounsel with the attorney(s) of record, for read the annexed						
Check Appl	Attorney s Verification by Affirmation	know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.						
		The reason I make this affirmation instead of	f is					
	affirm tha	at the foregoing statements are true under per	alties of perjury					
	TATE O	ENEW YORK COUNTY OF	(Print signer's name below signature.					
٥	MALE OF	F NEW YORK, COUNTY OF	ss: being sworn says: I am					
Check Applicable Box	individual Verification	in the action herein; I have read the annexed know the contents thereof and the same information and belief, and as to those matter the	ers I believe them to be true.					
•	Corporate Verification My belief.	a corporation, one of the parties to the actio	r; I have read the annexed: are true to my knowledge, except those matters therein which are stated to be alleged on the ers I believe them to be true.					
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;	Sworn to b	pefore me on	, 20 (Print signer's name below signature					
	**********							
		F NEW YORK, COUNTY OF	ss: being sworn says: I am not a party to the action, am over 18 years o					
	age and re	on	, 20 , I served a true copy of the annexed					
	Service	by mailing the same in a sealed envelop	in the following manner: e, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service					
	by Moli	within the State of New York, addressed by delivering the same personally to the	to the last-known address of the addressee(s) as indicated below:					
Chack Applicable Box	Personal Service Service by Electronic Means	by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the						
ŧ	Overnight	by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time						
	Delivery Service	designated by the overlagat deniety sort						
		Sworn to before me on	, 20					

Index No. 118596

Year 20 2003

# SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

GEORGE SANTOLI and STACEY SANTOLI,

gainst Plaintiffs,

475 NINTH AVENUE ASSOCIATES, LLC,

-against Second Third-Party Plaintiff, R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP,

SCOTTS DALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST.

PAUL FIRE AND MARINE INSURANCE COMPANY,

Second Third-Party Defendants.

## NOTICE OF CONSENT TO CHANGE ATTORNEY RE: SECOND THIRD-PARTY ACTION ONLY

Attorneys for

### JAFFE & ASHER L.P. Second Third-Party Plaintiff

600 THIRD AVENUE NEW YORK, NEW YORK 10016 (212) 687-3000

State, certi	o 22 NYCRR 130-1.1, th fies that, upon informa cument are not frivolous	ition and belief	an atto and re	rney admitte asonable in	ed to practice in the cou quiry, the contentions c	rts of New York ontained in the
Dated:		Signature				
		Print Sign	ier's Name	<b>3</b>		
Service of a	copy of the within				is h	nereby admitted
Dated:						
			Attorne	ey(s) for		
PLEASE T	TAKE NOTICE					
NOTICE OF ENTRY	that the within is a (ce entered in the office of			named Cour	t on	20
NOTICE OF	that an Order of which Hon. at	the within is a	true co	py will be pr one of the j	esented for settlement to udges of the within nam	the ed Court,
0017001111	on		20	, at	$M_{\cdot}$	
Dated:						

JAFFE & ASHER LLE

Attorneys for

600 THIRD AVENUE NEW YORK, NEW YORK 10010

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK
-----x
GEORGE SANTOLI and STACEY SANTOLI,

Plaintiffs,

-against-

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475 NINTH AVENUE ASSOCIATES, LLC, VJB CONSTRUCTION 475 9TH AVENUE LLC, VJB CONSTRUCTION CORP., SPIELER & RICCA ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT CORPORATION,

Defendants.

475 NINTH AVENUE ASSOCIATES, LLC,

2nd TP Index No.: 590528/05

Second Third-Party Plaintiff,

-against-

R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP, UTICA NATIONAL INSURANCE GROUP, SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

NOTICE OF APPEARANCE -- THIRD PARTY ACTION ONLY

Index No.: 118596/03

Second Third-Party Defendants.

MADAM/SIRS:

PLEASE TAKE NOTICE that the undersigned appears as counsel of record

for second third-party plaintiff 475 NINTH AVENUE ASSOCIATES, LLC in the Second

Third-Party Action only and demands that you serve all papers in this action upon the undersigned at the address stated below.

Dated: New York, New York

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December 21, 2007

Yours, etc.,

JAFFE & ASHER LLP

Marshall T. Potashner, Esq.

Attorneys for Second Third-Party Plaintiff 475 NINTH AVENUE ASSOCIATES, LLC 600 Third Avenue, 9<sup>TH</sup> Floor New York, New York 10016 (212) 687-3000

FO: DEVEREAUX AND WEIDENBAUM, PC,
As successor to Devereaux Weidenbaum, LLP
Attorneys for Defendant
VJB CONSTRUCTION CORP.
and Attorneys for Defendant/Third-Party Plaintiff
475 NINTH AVENUE ASSOCIATES, LLC
39 Broadway, Suite 910
New York, New York 10016
(212) 785-5959

HACH & ROSE, LLP
Attorneys for Plaintiffs
GEORGE SANTOLI and STACEY SANTOLI
185 Madison Avenue, 8th Floor
New York, New York 10016
(212) 779-0057

O'CONNOR O'CONNOR HINTZ & DEVENEY, LLP Attorneys for Defendant SPIELER & RICCA ELECTRICAL CO. INC. One Huntington Quadrangle, Suite 1C07 Melville, New York 11741 (631) 777-2330

FUREY, KERLEY, WALSH, MATERA & CINQUEMANI, P.C. Attorneys for Third-Party Defendants
TRAVELER'S FRANKLIN INSURANCE COMPANY;
UTICA NATIONAL INSURANCE COMPANY OF TEXAS;
UTICA NATIONAL INSURANCE GROUP;
UTICA MUTUAL INSURANCE COMPANY
2174 Jackson Avenue
Seaford, New York 11783
(516) 409-6200

RUTHERFORD & CHRISTIE LLP Attorneys for Third-Party Defendants R&J CONSTRUCTION CORP. 300 E 42nd Street New York, New York 10017 (212) 599-5799

LAZARE POTTER GIACOVAS & KRANJAC LLP
Attorneys for Third-Party Defendants
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF AMERICA,
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
950 Third Avenue
New York, New York 10022
(212) 758-9300

KRAL, CLERKIN, REDMOND, RYAN, PERRY & GIRVAN, LLP Attorneys for Third-Party Defendant SCOTTSDALE INSURANCE COMPANY 69 East Jericho Turnpike Mineola, New York 11501 (516) 742-3470

STATE OF NEW YORK, COUNTY OF    Design sworn says: I am										
certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof says that I am the attorney of record, or of counsel with the attorney(s) of record, for I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on inform and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated of knowledge, is based upon the following.  The reason I make this affirmation instead of is  I affirm that the foregoing statements are true under penalties of perjury Dated  STATE OF NEW YORK, COUNTY OF Simport in the action herein, I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be allege information and belief, and as to those matters I believe them to be true. The composition of the parties to the action, I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be allege information and belief, and as to those matters I believe them to be true. The contents thereof and the same are true to my knowledge, except those matters therein which are stated to be allege information and belief, and as to those matters I believe them to be true.  My behief, as to those matters therein not stated upon knowledge, is based upon the following.  STATE OF NEW YORK, COUNTY OF  age and reside at  On 20 , I served a true copy of the annexed in the following manner:  by mailing the same in a sealed envelope, with postage prepatid thereon, in a post-office or official depository of the U.S. Postal States and the purpose. In doing sol received a signal from the equipment of the attorney indicating that the transmission was received and maled a copy of same to that attorney, in a sealed envelope, with postage prepatid thereon, in a post-office or official depository of the U.S. Postal Struce wi	Sī	TATE OF	NEW YORK, COUNTY OF			ss:				
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(Print signer's name below signature)

Index No 118596

Year 20 2003

### SUPREME COURT OF THE STATE OF NEW YORK **COUNTY OF NEW YORK**

GEORGE SANTOLI and STACEY SANTOLI,

-against

Plaintiffs,

475 NINTH AVENUE ASSOCIATES, LLC, VJB CONSTRUCTION 475 9TH AVENUE LLC, VJB CONSTRUCTION CORP., SPIELER & RICCA ELECTRICAL CO. INC. and KAJIMA DEVELOPMENT CORPORATION, Defendants.

475 NINTH AVENUE ASSOCIATES, LLC,

Second Third-Party Plaintiff,

R&J CONSTRUCTION CORP., SPEILER & RICCA ELECTRICAL COMPANY, INC.; REPUBLIC FRANKLIN INSURANCE COMPANY, UTICA NATIONAL INSURANCE GROUP, UTICA NATIONAL INSURANCE GROUP, SCOTTSDALE INSURANCE COMPANY, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

Second Third-Party Defendants.

#### **NOTICE OF APPEARANCE - THIRD PARTY ACTION ONLY**

Attorneys for

### JAFFE & ASHER LLP **Second Third-Party Plaintiff**

600 THIRD AVENUE NEW YORK. NEW YORK 10016 (212) 687-3000

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New Yorn State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.					
Dated:		Signature			
		Print Signer's Nam	e		
Service of a	copy of the within			is h	ereby admitted
Dated.					
		Attorn	ey(s) for		
PLEASE T	TAKE NOTICE				
NOTICE OF ENTRY	,	ertified) true copy of a f the clerk of the within	named Court o	n	20
that an Order of which the within is a true copy will be presented for settlement at that an Order of which the within is a true copy will be presented for settlement one of the judges of the					
	on	20	, at	<i>M</i> .	
Dated:					

Attorneys for

JAFFE & ASHER LLP

600 THIRD AVENUE NEW YORK, NEW YORK 10016